



## United States Senate

OFFICE OF THE MAJORITY LEADER  
WASHINGTON, D.C. 20510

February 14, 2008

President George W. Bush  
The White House  
Washington, DC 20500

Dear Mr. President:

I regret your reckless attempt to manufacture a crisis over the reauthorization of foreign surveillance laws. Instead of needlessly frightening the country, you should work with Congress in a calm, constructive way to provide our intelligence professionals with all needed tools while respecting the privacy of law-abiding Americans.

Both the House and the Senate have passed bills to reauthorize and improve the Protect America Act. Democrats stand ready to negotiate with Republicans to resolve the differences between the House and Senate bills. That is how the legislative process works. Your unrealistic demand that the House simply acquiesce in the Senate version is preventing that negotiation from moving forward.

Our bicameral system of government was designed to ensure broad bipartisan consensus for important laws. A FISA bill negotiated between the House and the Senate would have firmer support in Congress and among the American people, which would serve the intelligence community's interest in creating stronger legal certainty for surveillance activities.

That negotiation should take place immediately. In the meantime, we should extend the current Protect America Act. Earlier this week you threatened to veto an extension, and at your behest Senate Republicans have blocked such a bill. Yesterday every House Republican voted against an extension.

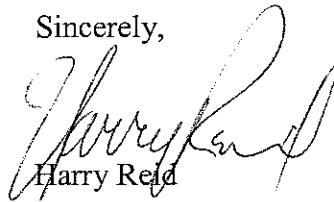
Your opposition to an extension is inexplicable. Just last week, Director of National Intelligence McConnell and Attorney General Mukasey wrote to Congress that "it is critical that the authorities contained in the Protect America Act not be allowed to expire." Similarly, House Minority Leader Boehner has said "allowing the Protect America Act to expire would undermine our national security and endanger American lives, and that is unacceptable." And you yourself said at the White House today: "There is really no excuse for letting this critical legislation expire." I agree.

Nonetheless, you have chosen to let the Protect America Act expire. You bear responsibility for any intelligence collection gap that may result.

Fortunately, your decision to allow the Protect America Act to expire does not, in reality, threaten the safety of Americans. As you are well aware, existing surveillance orders under that law remain in effect for an additional year, and the 1978 FISA law itself remains available for new surveillance orders. Your suggestion that the law's expiration would prevent intelligence agents from listening to the conversations of terrorists is utterly false.

In sum, there is no crisis that should lead you to cancel your trip to Africa. But whether or not you cancel your trip, Democrats stand ready to negotiate a final bill, and we remain willing to extend existing law for as short a time or as long a time as is needed to complete work on such a bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry Reid", is written over a printed name.

Harry Reid